

REMARKS

Applicant has reviewed and considered the subject office action in which the examiner has initially divided the patent application into thirteen species. Although the Applicant may concede that Applicant's invention as illustrated and claimed in the patent application may contain more than one species, Applicant traverses the division of the application into as many as thirteen species.

When dividing an application into various species of an invention, one must consider differences in structural features of the invention and not size, location or literal features, such as advertising, which does not impact on structure.

Accordingly, Applicant contends that **Figs. 1-3** (Species 1) consisting of a mid-length towel with pocket and hook should be grouped with Species 4 shown in **Fig. 6**, as **Fig. 6** shows the same structure with the addition of only advertising.

~~Species 8 shown in Fig. 10~~ also shows the same item as Species 1 being used on a female. Species 11 consisting of ~~Figs. 13-14~~ is also the same as Species 1 with the only difference being location. As Species 1 (Figs. 1-3) is covered by generic claim 1 and claims 2, 10, 12, 13 and 14; Species 4 (Fig. 6) is covered by claims 15, 16, 17 and 20; Species 8 (Fig. 10) is covered by claim 3; and Species 11 (Figs. 13-14) is covered by claims 6 and 7, all of the afore-referenced claims, that is, claims 1, 2, 3, 6, 7, 10, 12, 13, 14, 15, 16, 17 and 20, should be treated as one species.

Notwithstanding the above traversal, however, should the examiner disagree and maintain the division into 13 different species, then Applicant elects Species 1 shown in **Figs. 1-3** and covered by claims 1, 2, 10, 12, 13 and 14 for initial prosecution, while reserving the right to file divisional application as to the non-elected claims.

Should the examiner have any questions or comments regarding this election,
a call to the undersigned attorney of record is invited.

Respectfully submitted,
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CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I HEREBY CERTIFY that the above response and amendment is being deposited with the United States Postal Service by first class mail on the 24th day of July, 2003, addressed to the Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Melinda G. Orts
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